

Message Text

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ORIGIN SNM-02

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APPROVED BY S/NM:MFALCO
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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE

C O N F I D E N T I A L STATE 098579

STADIS/////////
FOR CHARGE THOMPSON ONLY FROM FALCO

E.O. 11652: GDS

TAGS: SNAR

SUBJECT: NARCOTICS ASSISTANCE - GOM CONTRACT WITH EVER-
GREEN

1. WE APPRECIATE THE TIMELY AND DETAILED EXPLANATION ABOUT
THE MISUNDERSTANDING CONCERNING NEGOTIATIONS FOR THE
EVERGREEN CONTRACT. AND WE SHARE YOUR CONCERN THAT SUCH
NEGOTIATIONS MUST NOT JEOPARDIZE THE EXCELLENT WORKING
RELATIONS THAT THE EMBASSY HAS ESTABLISHED WITH THE MEXICAN
ATTORNEY GENERAL IN THE ONGOING NARCOTICS CONTROL EFFORTS.
ATTORNEY GENERAL FLORES SANCHEZ ALSO EXPRESSED HIS CON-
CERN ABOUT THE SUBJECT CONTRACT NEGOTIATIONS TO RICHARD
DUGSTAD, S/NM, DURING THEIR TALKS RECENTLY IN SAN DIEGO.
BUT THE ATTORNEY GENERAL THINKS THAT THE MISUNDERSTANDING
IS NOW RESOLVED. WE AGREE WITH YOU THAT A SIMILAR PROBLEM
FOR NEGOTIATIONS ABOUT THE UPCOMING AVIATION MAINTENANCE
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CONTRACT MUST BE AVOIDED.

2. DISCUSSIONS WITH AID OFFICERS HERE WHO VISITED MEXICO
TO DISCUSS CONTRACT DETAILS INDICATE THAT THEY WERE NOT
AWARE OF THE CONSTERNATION CAUSED THE ATTORNEY GENERAL'S
OFFICE BY THEIR INSISTENCE THAT THE EVERGREEN CONTRACT
MUST MEET SPECIFIC PROPOSED CLAUSES IN AID REGULATIONS WHICH

ARE SUGGESTIONS ONLY AND NON-MANDATORY. AS WE UNDERSTAND THE SITUATION, THE REQUESTED CHANGES MAY HAVE BEEN A DESIRABLE CONSIDERATION UNDER NORMAL AID COUNTRY CONTRACTING, BUT, SINCE NOT REQUIRED, ARE DEFINITELY NOT WORTH RISKING AN IMPASSE WITH THE ATTORNEY GENERAL'S OFFICE THAT COULD REACT NEGATIVELY IN OTHER HARD WON COMMITMENTS IN COMMON NARCOTICS CONTROL EFFORTS. WE UNDERSTAND THAT THE ISSUE HAS BEEN SATISFACTORILY RESOLVED BY OBTAINING STATEMENTS FROM THE ATTORNEY GENERAL'S OFFICE SEPARATE FROM THE "CONTRACT" THAT MEET THE RESERVATIONS OF THE AID REGULATIONS. WE BELIEVE THAT THIS INCIDENT IS BASED ON A MISUNDERSTANDING AMONG THE PRINCIPALS INVOLVED. WE CAN ASSURE YOU THAT APPROPRIATE GUIDANCE WILL BE GIVEN IN THE FUTURE TO ANY SPECIALISTS WHO ARE SENT TO THE EMBASSY TO ASSIST IN DEVELOPMENTS OF PROGRAMMING AND CONTRACT NEGOTIATION.

3. ALTHOUGH THE ADMINISTRATION AND CONTROL OF INTERNATIONAL NARCOTICS FUNDS ENJOY A CERTAIN FLEXIBILITY DIFFERENT THAN NORMAL FUNDS AUTHORIZED UNDER THE FOREIGN ASSISTANCE ACT, WE NEED THE COOPERATION OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT IN APPLYING GUIDANCE FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE FUNDS. THEREFORE, TO THE EXTENT FEASIBLE WITHOUT ENDANGERING THE SUBSTANCE OF OUR PROGRAMS ABROAD, WE DO EXPECT TO FOLLOW THE LEGAL AND CONTRACTING ADVICE PROVIDED US IN THE ADMINISTRATION OF THE FUNDS. IN THIS CASE, WE THINK THAT A MISINTERPRETATION OF THE REGULATIONS AND THE MEANS BY

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WHICH THEY WERE TO BE APPLIED OCCURRED. WE APPRECIATE BEING INFORMED OF THE PROBLEM AND WILL MAKE SURE THAT IT WILL BE AVOIDED IN THE FUTURE.

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